

### **REMARKS**

Claims 17 and 21 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Granger (US 3,709,147). Claims 1 to 3, 6 to 9, 12 to 14, 20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver (5,003,875) in view of Granger (3,709,147). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of John (5,044,277). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Dahlgren (3,664,261). Claims 16 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Granger in view of John. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Kistler et al. (6,450,097).

Reconsideration of the application is respectfully requested.

#### **35 U.S.C. 102 Rejections**

Claims 17 and 21 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Granger (US 3,709,147).

Granger shows a single inking cylinder 14 with thousands of cells 25 formed on its surface, i.e. what is known in the art as an anilox or short inker. See Granger at col.3 lines 30 to 47.

Claim 17 recites a fluid delivery device for a printing machine comprising:

a rotating roller having a roller surface with a roller radius of curvature, the roller surface carrying a fluid film; and

a metering element having an edge for splitting the fluid film and a first concave surface facing the roller surface;

the metering element being movable with respect to the roller surface;

wherein a thickness of the fluid film downstream from the metering element is half of an average distance of the concave surface from the roller surface.

There is absolutely no disclosure in Granger that a fluid film is formed, and due to the cell nature of the anilox inker, such a film on the outer surface seems unlikely.

Moreover, the ink in Granger at space 38 is filled from pipe 42 and appears to be full and

possibly even under pressure. There thus is no “splitting of a fluid film” as claimed, as the ink exits directly from a reservoir.

Moreover, there is absolutely no disclosure that the thickness downstream is half the average distance (see present specification at [0029]) and due to reservoir pressure and/or the cell nature of the roller, this appears unlikely to occur.

In addition, the Office Action specifically states at page 6 *that it appears that the thickness of the film must be at least half of an average distance*, admitting that there is no clear disclosure as to being half, and also admitting that it appears to be not half, but more than half. The Office Action is contradictory and cites to no disclosure in Granger meeting the limitation “wherein a thickness of the fluid film downstream from the metering element is half of an average distance of the concave surface from the roller surface.”

Withdrawal of the rejection to claims 17 and 21 is respectfully requested.

### 35 U.S.C. 103 Rejections

Claims 1 to 3, 6 to 9, 12 to 14, 20 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver (5,003,875) in view of Granger (3,709,147). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of John (5,044,277). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Dahlgren (3,664,261). Claims 16 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Granger in view of John. Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Kistler et al. (6,450,097).

Shriver shows a fountain roll and assembly for a can decorating apparatus. Granger shows an anilox inker with a reservoir control blade 61. It is respectfully submitted that it would not have been obvious to one of skill in the art to have combined the teaching of Granger with that of Shriver.

The curved section of Granger permit the reservoir to be properly sealed, not to provide any film splitting capabilities. There is no film in Granger prior to the control blade 61, only a reservoir. Moreover, one of skill in the art would not have looked to the curvature of Granger to alter element 150 of Shriver as Granger is for reservoir control. Moreover, there is no teaching in

Granger at all that the curved surface improves the accuracy of the "position of the concave surface" as asserted in the Office Action.

In addition, the anilox inker and can decorating apparatus are completely different types of inking devices.

Withdrawal of the rejection over Shriver in view of Granger is respectfully requested.

With further respect to claim 9, Granger does not show this feature.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of John (5,044,277). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Dahlgren (3,664,261). Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shriver in view of Granger as applied to claim 1 above, and further in view of Kistler et al. (6,450,097).

In view of the comments with respect to claim 1, withdrawal of these rejections is respectfully requested.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Granger in view of John. Claim 22 depends from claim 16.

Claim 16 recites a fluid delivery device for a printing machine comprising:

- a rotating roller having a roller surface with a roller radius of curvature, the roller surface carrying a fluid film; and

- a metering element having an edge for splitting the fluid film and a first concave surface facing the roller surface;

- the metering element being movable with respect to the roller surface;

- wherein the first concave surface corresponds to an arc of 10 degrees or more of the roller surface.


Granger does not show a metering element for "splitting a fluid film" as claimed, as there is no film split by Granger. Rather the ink exits from a reservoir which is always full. Moreover, Granger does not disclose that the roller surface carries a fluid film, but rather discloses a cell structure.

Withdrawal of the rejections is respectfully requested.

**CONCLUSION**

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,  
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